

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

**THE ALABAMA DEMOCRATIC
CONFERENCE, et al.,**

Plaintiffs,

v.

**LUTHER STRANGE, in his official
capacity as Attorney General of
Alabama, et al.,**

Defendants.

Case No.: 5:11-cv-2449-JEO

FINAL ORDER

This case is before the court on Defendants' Motion to Dismiss (doc. 7) and Plaintiffs' Motion for Partial Summary Judgment (doc. 9). In accordance with the Memorandum Opinion entered contemporaneously with this order, Plaintiffs' Motion for Partial Summary Judgment (doc. 9) is **GRANTED**. Additionally, Defendants' Motion to dismiss (doc. 7) is **GRANTED IN PART AND DENIED IN PART**. The motion to dismiss is granted with respect to Count Two and denied with respect to Count One. Accordingly, it is hereby **ORDERED, ADJUDGED, and DECREED** that

1. ALA. CODE § 17-5-15(b), as amended by Act 2010-765, is declared unconstitutional as applied to contributions the Alabama Democratic Conference receives to make independent expenditures;
2. Defendants, their agents, servants, successors, and those acting in concert with them shall not enforce ALA. CODE § 17-5-15(b) against Plaintiffs with regard to contributions the Alabama Democratic Conference receives to make independent

expenditures as long as the Alabama Democratic Conference maintains a separate bank account so that funds received from any PAC, 527 organization, or private foundation shall only used for independent expenditures; and

3. Count Two of Plaintiffs' Complaint is hereby **DISMISSED WITH PREJUDICE**.

Plaintiffs may move for attorneys' fees and costs pursuant to 42 U.S.C. § 1988 within twenty-one days of this order.

DONE this 14th day of December, 2011.

A handwritten signature in black ink, reading "John E. Ott", is written over a horizontal line.

JOHN E. OTT
United States Magistrate Judge